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AUG 30 2007

OFFICE OF PETITIONS

In re Application of :
Duane Q. Huynh :
Application Number: 10/603419 : **ON PETITION**
Filing Date: 06/24/2003 :
Attorney Docket Number: :
SJO920020001US1 :

This is a decision on the renewed petition filed on 12 July, 2007, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned on 4 January, 2006, for failure to file a timely reply to the final Office

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114.

In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

action mailed on 3 October, 2005, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply were file in accordance with 37 CFR 1.136(a). Notice of Abandonment was mailed on 27 September, 2006. The petition filed on 15 February, 2007, was dismissed on 21 May, 2007.

With the present petition, petitioner filed a Request for Continued Examination (RCE) under 37 CFR 1.114, including a submission in the form of an amendment.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

The application file is being referred to Technology Center Art Unit 2627 for consideration of the RCE and IDS filed on 23 March, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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